

REMARKS

Reconsideration of this application and the rejection of claims 1-20 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated September 16, 2005 (Paper No. 091205) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

The Specification has been amended to correct for typographical and grammatical errors. No new matter has been added to the application.

New claim 21 has been added to the application in order to further distinguish the above-identified application from the prior art. Claim 8 has been amended and is now an independent claim.

Claim 19 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, it is allegedly unclear whether the claimed invention is a closure cap or a process of making a closure cap. Accordingly, claim 19 has been amended to recite, among other things, "the closure cap according to claim 1 further including a portion, wherein said fin sealing device is attached to said portion..." Accordingly, Applicants submit that it is clear that the claim relates to the closure cap, and therefore respectfully traverse the rejection of claim 19 under 35 U.S.C. §112.

Claims 1, 5, and 6 stand objected to because of minor informalities. Specifically, in claim 1, line 2, "which a container aperture of a container" should read "which said container aperture of said container." Further, in claims 5 and 6,

“a fin sealing device” should be “said fin sealing device.” Applicants have made the required changes, and accordingly submit that the objections of claims 1, 5 and 6 are respectfully traversed.

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Poore et al. (U.S. Pat. No. 4,782,964). Poore discloses a child-resistant closure assembly for a container including a first cap portion 11 connected to a second cap portion 12 via hinge elements 13 and 14. The second cap portion 12 includes an upper wall 28 having an inner skirt 29 depending therefrom, the skirt including ribs 34 and 35. (Col. 8, ll. 26-29 and 57-66; FIG. 2).

In contrast to Poore, amended claim 1 of the present invention recites, among other things, “wherein a fin sealing device is provided having at least two radially projecting, elastic fins which are spaced apart in the axial direction of said closure cap and integrally connected to said closure cap, said fins having a generally rectangular, washer-shaped cross-section and being configured for engaging said container neck.” As amended, Applicants submit that claim 1 is patentably distinct from Poore. Specifically, Applicants submit that the fins 34, 35 in Poore are not radially projecting, elastic fins, and do not have a generally rectangular, washer-shaped cross-section, as shown in FIG. 2. Accordingly, Applicants submit that amended claim 1 is in allowable form.

Claim 8 has been amended and is now an independent claim including features of amended claim 1 and reciting, among other things, “wherein a fin sealing device is provided having at least two radially projecting, elastic fins

which are spaced apart in the axial direction of said closure cap and integrally connected to said closure cap, said fins having a generally rectangular cross-section and being configured for engaging the container neck...” Applicants submit that amended claim 8 is patentably distinct from Poore, because as stated above, Poore fails to disclose radially projecting, elastic fins having a generally rectangular cross-section. Therefore, Applicants submit that amended claim 8 is in allowable form.

Accordingly, Applicants respectfully traverse the rejection of claims 1-20 under 35 U.S.C. §102(b) in view of Poore.

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Neiger (U.S. Pat. No. 5,853,093). Neiger discloses a two-part cap assembly 20 having a main portion 22 hingedly attached to a lid 24 by a hinge 26. The lid 24 includes a plug 44 configured for insertion into a central bore 40 of the main portion 22. The main portion 22 further includes internal grooves 60 that are configured for corresponding with curved protuberances 62 on plug 44. (Col. 2, ll. 53-56; Col. 3, ll. 24-25 and 51-56; FIG. 4).

In contrast, amended claim 1 now recites, among other things, “wherein a fin sealing device is provided having at least two radially projecting, elastic fins which are spaced apart in the axial direction of said closure cap and integrally connected to said closure cap, said fins having a generally, washer-shaped rectangular cross-section and being configured for engaging said container neck.” Applicants submit that amended claim 1 is patentably distinct from Neiger,

which fails to disclose radially projecting elastic fins having a generally rectangular, washer-shaped cross-section, as shown in FIG. 4. Accordingly, Applicants submit that amended claim 1 is in allowable form.

In addition, claim 8 has been amended and is now an independent claim reciting, among other things, “wherein a fin sealing device is provided having at least two radially projecting, elastic fins which are spaced apart in the axial direction of said closure cap and integrally connected to said closure cap, said fins having a generally rectangular cross-section and being configured for engaging the container neck...” Applicants submit that claim 8 is in allowable form and is patentably distinct from Neiger, because Neiger fails to disclose radially projecting, elastic fins that have a generally rectangular cross-section.

Therefore, Applicants respectfully traverse the rejection of claims 1-20 under 35 U.S.C. §102(b) in view of Neiger.

New claim 21 has been amended and recites, among other things, “wherein a fin sealing device is provided having at least two radially projecting, elastic fins which are spaced apart in the axial direction of said closure cap and integrally connected to said closure cap, said fins having a generally rectangular, washer-shaped cross-section and being configured for engaging the container neck, said closure cap further comprising a cap body and a hinged lid hinged thereto, said cap body including a discharge aperture configured for being closed by a depending cone-shaped plug located on said hinged lid.”

Applicants submit that new claim 21 is patentably distinct from Poore and Neiger because neither reference discloses radially projecting, elastic fins having a generally rectangular, washer-shaped cross-section. Furthermore, neither reference discloses a discharge aperture that is closed by a depending cone-shaped plug located on the hinged lid, as recited in the above-identified application. Accordingly, Applicants submit that claim 21 is in allowable form.

In view of the above amendments, the application is respectfully submitted to be in allowable form. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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